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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/469,904	12/22/1999	THEODORE K BULLOCK	TN170	5514

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EXAMINER

QUELER, ADAM M

ART UNIT PAPER NUMBER

2179

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/469,904

Applicant(s)

BULLOCK ET AL.

Examiner

Adam M Queler

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION:

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-10, 12-16, 18-27, 29-38 and 40-42 is/are rejected.
- 7) ☒ Claim(s) 4, 11, 17, 28 and 39 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: Appeal Brief filed 04/30/2004.
2. Claims 1-42 are pending in the case. Claims 1, 8, 15, 26, and 37 are independent claims.

Response to Appeal Brief

3. Applicant's arguments, see Appeal Brief, filed 4/30/2004, with respect to the claims have been fully considered and are persuasive. The rejection of the claims and the finality of the previous action have been withdrawn.

Claim Objections

4. Claim 1 is objected to because of the following informalities: On step (a) recites "a sever," obviously intended to be "a server." Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. **Claims 2, 9, 16, 27 and 38 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

The term "portal" is held to be indefinite. The Office has read the term in light of p. 3 of the specification, however, neither this discussion nor the word portal itself clearly points out the metes and bounds of patent protection. While the Office understands the concept of portal page in the art, it is not a definite term. For example, a news site such as cnn.com would not be considered a portal, but would fit what appears to be Applicant's definition of a web site with categories of links. For examining purposes only, that interpretation will be used.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. **Claims 1, 2, 5-9, 12-16, 18-22, 26-27, 29-33, 37-38, 40-42 are rejected under 35**

U.S.C. 102(e) as being anticipated by Fields et al. (US006412008B1, filed 1/28/1999)

Regarding independent claim(s) 1, 8, 15, 26, and 37, Fields discloses a master web site (col. 4, ll. 1-3). From the description in the specification (p. 10, ll. 10-26, and p. 11, line 25 – p. 12 line 6), “hosting” is broadly interpreted to include having the means to supply the requested web site. Fields discloses a first class of user, a system administrator that is able to customize according to a first level of customizability, such as corporate options (col. 5, ll. 45-47). Fields teaches that when non user options are set, the file is customized according to the account holder’s customizations, therefore hosting a separate copy of copy of the master web site (col. 7, ll. 19-24). Fields teaches a second class of user, an individual user (col. 5, ll. 47-48), that has a second level of customizability, personal options (col. 2, ll. 50-52).

Regarding dependent claim(s) 2, 9, 16, 27 and 38, Fields teaches a web page with links, and is therefore a portal (Fig. 10). See §112 rejection above.

Regarding dependent claim(s) 5, 12, 18, and 29 and 40, Fields teaches a combination of web page elements (Fig. 9).

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Regarding dependent claim(s) 6, 13, 19, 30, and 41, Fields teaches the second level cannot customize as many options as the second level (col. 5, ll. 46-48). Therefore the first level allows customization of a greater number of elements.

Regarding dependent claim(s) 7, 14, 20, 31 and 42, Fields teaches the elements comprise at least text (Fig. 5).

Regarding dependent claim(s) 21 and 32, Fields teaches a server connected to a network that transmits the customized copies (Fig. 2).

Regarding dependent claim(s) 22 and 33, Fields teaches that the customized copies are dynamically generated (col. 4, ll. 1-14).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 25 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fields.

Regarding dependent claim(s) 25 and 36, Fields teaches customizing a web page as a whole, which would include all of its elements c2.40-46. Official Notice is taken that it was well-known at the time of the invention for any website to comprise hyperlinks, images and scrolling messages. It would have been obvious to one of ordinary skill in the art at the time of the invention to add these well-known elements to the web page, as they would have been characteristics of an up to date web page.

11. Claims 3 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fields as applied to claims 1 and 8 above, and further in view of "Accepting Input from a Browser," published 12/8/1999.

Regarding dependent claim(s) 3 and 10, Fields teaches that there are many ways that to send a request and options to a server (col. 4, ll. 51-55). Fields does not explicitly disclose a URL to the hosted copy. Dave teaches that customization information can be passed with variables in the URL (section. 3). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the URL parameters of Dave, in the request of Fields, thereby assigning a unique URL to the hosted copy. Inherently, the URL must be provided, or the URL would not be known. This combination would have been obvious as it was one of the well-known ways of providing customization options (Dave, para. 1) and thus desired by Fields (col. 4, ll. 51-55).

12. Claims 23-24 and 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fields as applied to claim 15 and 26 above, and further in view of Nazem et al. (USPN 5983227—filed 6/12/1997).

Regarding dependent claim(s) 23 and 34, Fields does not explicitly teach a database for storing the information defining the web pages. Nazem teaches a database for storing the information defining web pages (col. 3, ll. 26-29). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Nazem and Fields to provide a database, in order to increase performance by caching the page (Fields, col. 4, ll. 40-47)

Regarding dependent claim 24 and 35, Fields does not teach subdirectories. Nazem teaches sub-directories for each user's information (col. 3, ll. 35-48). It would have been obvious to one

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of ordinary skill in the art at the time of the invention to combine Nazem and Jolt so the each record could be quickly retrieved (Nazem, col. 3, ll. 42-44).

Allowable Subject Matter

13. Claims 4, 11, 17, 28, and 39, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

14. The following is a statement of reasons for the indication of allowable subject matter: The combination of Dave and Fields leaves no possible motivation for the server to assign a URL that is passing parameters to the server, itself. Additionally the newly cited reference to Flesner contains much of the subject matter claimed but does not constitute prior art under 35 U.S.C. § 102.

Conclusion

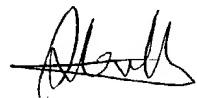
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam M Queler whose telephone number is (703) 308-5213. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R Herndon can be reached on (703) 308-5186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AQ



STEPHEN S. HONG
PRIMARY EXAMINER